

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Victor J. Caponey,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	C.A. No. 8:06-435-HMH
	)	
ADA Enterprises, Inc. and Artemio	)	
Aranda,	)	
	)	<b>OPINION &amp; ORDER</b>
Defendants/	)	
Third-Party	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
CleanSite Services, Inc.,	)	
	)	
Third-Party	)	
Defendant.	)	
	)	

The parties have informed the court that the United States Patent and Trademark Office (“PTO”) has agreed to reexamine one of the patents at issue and that the request for reexamination of the other patent is currently pending. In addition, the Defendants agree that if either patent is upheld by the PTO, they will not challenge the validity of that patent in the instant case. Further, the Plaintiff agrees that it will consent to dismissal of its claims as to the patent or patents if the patent or patents are found to be invalid by the PTO. Based on the foregoing, this case is continued. The parties have been directed to advise the court as to the status of the reexamination.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
February 5, 2008